

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:05-cr-390

UNITED STATES OF AMERICA

vs.

DEMETRIUS SHAWNDALE RUDISILL (5)

ORDER

THIS MATTER is before the Court upon motion of the defendant for a reduction of sentence based on the retroactive amendments to the United States Sentencing Guidelines relating to crack cocaine triggered by the Fair Sentencing Act of 2010. (Doc. No. 458).

The Court previously reduced the defendant's sentence to 120 months based on earlier amendments to the guidelines. (Doc. No. 369: Order). As counsel recognizes in the instant motion, the statutory mandatory minimum sentence applicable to the defendant's offense prevents any further reduction. USSG §1B1.10 comment. (n.1(A)).

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, the Community Defender, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: January 17, 2012



Robert J. Conrad, Jr.
Chief United States District Judge

